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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,244	06/24/2003	Junichi Ujii	848075/0048	5659
7590 03/09/2006 SCHULTE ROTH & ZABEL LLP 919 Third Avenue New York, NY 10022			EXAMINER LU, ZHIYU	
			ART UNIT 2682	PAPER NUMBER

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,244	Applicant(s) UJII, JUNICHI	
	Examiner Zhiyu Lu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-4, 7-9, 11-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126).

Regarding claim 1, Ozaki teaches an announcement method for an image-capturing device, the method comprising outputting a predetermined announcement sound when trying to take a picture (abstract, paragraph 0004).

But, Ozaki fails to teach the limitation of applying the method on a portable terminal.

Homma et al. teach the limitation of a portable terminal has detecting device to detect the state of its camera (column 2 lines 46-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the method of Ozaki into the portable terminal of Homma et al.

corresponding to detecting device, so that the portable terminal announces sound when the portable terminal has been changed to a camera mode, which uses the image-capturing section.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement method of Ozaki into the portable terminal of Homma et al., in order to notify surroundings for operating camera mode and prevent privacy from being infringed.

Regarding claim 7, Ozaki teaches an announcement method for an image-capturing device, the method comprising outputting a predetermined announcement sound when an image-capture button has been pressed (paragraphs 0005-0009).

But, Ozaki fails to teach the limitation of applying the method on camera mode of a portable terminal.

Homma et al. teach the limitation of a portable terminal having a camera device and announcement device being utilized during shooting (column 2 lines 37-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the method of Ozaki into the portable terminal of Homma et al., so that the portable terminal announces sound when user is pressing button for image capturing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement method of Ozaki into the portable terminal of Homma et al., in order to notify surroundings for image-capturing and prevent privacy from being infringed.

Regarding claim 9, Ozaki teaches a device comprising:

- a) an image-capturing section (3 of Fig. 1);
- b) a sounding body (6 of Fig. 1); and
- b) a control section which outputs a predetermined announcement sound from the sounding body when it has been detected that imaging-capturing section being used (paragraphs 0005-0009).

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But, Ozaki fails to teach the limitation of the device being a portable terminal comprising a selecting section which selects a camera mode for using the image-capturing section and announcing when detecting the selecting section has selected the camera mode.

Homma et al. teach a portable terminal having an image-capturing section (2 of Fig. 1), a selecting section which selects a camera mode for using the image-capturing section (9 of Fig. 1), and a detecting device to detect the state of its camera (column 2 lines 46-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the device of Ozaki into the portable terminal of Homma et al.

corresponding to detecting device, so that the portable terminal announces sound when the portable terminal has been changed to a camera mode, which uses the image-capturing section.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement device of Ozaki into the portable terminal of Homma et al., in order to provide the portable terminal the function to notify surroundings for operating camera mode and prevent privacy from being infringed.

Regarding claim 15, Ozaki teaches a device comprising:

- a) an image-capturing section (3 of Fig. 1);
- b) a sounding body (6 of Fig. 1); and
- c) a control section which outputs a predetermined announcement sound from the sounding body when it has been detected that imaging-capturing button has been pressed (paragraphs 0005-0009).

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But, Ozaki fails to teach the limitation of the device being a portable terminal comprising a selecting section which selects a camera mode for using the image-capturing section.

Homma et al. teach a portable terminal having a camera device, a detecting device of camera mode, and announcement device being utilized during shooting (column 2 lines 37-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the device of Ozaki into the portable terminal of Homma et al., so that the portable terminal announces sound when user is pressing button for image capturing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement device of Ozaki into the portable terminal of Homma et al., in order to notify surroundings for image-capturing and prevent privacy from being infringed.

Regarding claims 3 and 11, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

The limitation of the announcement sound is outputted from one of a speaker for announcing incoming-calls or an ear speaker would be inherently disclosed by the modified method and portable terminal of Ozaki and Homma et al. since the speaker of the portable terminal is the only available sound-outputting device.

Regarding claim 4, Ozaki and Homma et al. teach the limitation of claim 1.

Homma et al. also teach the limitation of in the camera mode, the announcement sound is not output while recording an image captured by the image-capturing section (column 4 lines 36-39 and 55-60).

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Therefore, it would have been obvious to one of ordinary skill in the art to incorporate disable announcement output while recording an image taught by Homma et al. into the method of Ozaki, in order to prevent disturbance while capturing an image.

Regarding claims 8 and 16, Ozaki and Homma et al. teach the limitations of claims 7 and 15.

Ozaki also teaches the limitation of the predetermined announcement sound, or an announcement sound notifying that an image has been captured, is outputted when the image-capturing button is fully pressed just after being half-pressed (Fig. 2, paragraphs 0008-0009).

Regarding claim 12, Ozaki and Homma et al. teach the limitation of claim 9.

Ozaki teaches the limitation of further comprising a recording section which records an image input via the image-capturing section, wherein the control section judges whether the recording section is recording an image (paragraphs 0005-0009).

Homma et al. teach the limitation of controls the sounding body so as not to output the predetermined announcement sound while the recording section is recording (column 4 lines 36-39 and 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate disable announcement output while recording an image taught by Homma et al. into the device of Ozaki, in order to prevent disturbance while capturing an image.

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2. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Kane et al. (US Patent#5726627).

Regarding claim 2 and 10, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

But, Ozaki and Homma et al. fail to teach the limitation of further comprising a timing section which measure time, wherein the timing section outputs a signal each time a fixed period of time elapses after it was detected that the selection section has selected the camera mode, and wherein the control section causes the sounding body to output the predetermined announcement sound whenever the signal is output from the timing section.

Kane et al. teach an alarm system outputs alarm each time a fixed period of time has elapsed after an alarm event is detected and the timing section keeps output signal to alarm periodically unless the alarm event is corrected (column 3 lines 13-26).

It would have been obvious to one of ordinary skill in the art to recognize that alarm for preventing taking privacy infringing image does not just sound once to get others' attention, which makes incorporating periodic alarm into the modified method and device of Ozaki and Homma et al. to be obvious.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate timing section to periodically output signal to alarm after alarm event detected taught by Kane et al. into the modified method and device of Ozaki and Homma et al., in order to catch others' attention and prevent privacy from being infringed.

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3. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Chen (US Patent#5530432).

Regarding claims 5 and 13, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

But, Ozaki and Homma et al. fail to teach the limitation of the announcement sound is output only in a case where the luminance around the portable terminal is less than a predetermined brightness.

Chen teaches an alarm device output sound in a case where the luminance around it is less than a predetermined brightness (column 1 lines 6-11).

For the benefit of enhancing detection of privacy infringing situation such as hidden-cam scenario where camera is hidden to take privacy infringed images, it would have been obvious to one of ordinary skill in the art to incorporate luminous intensity measuring means into the modified device of Ozaki and Homma et al., in order to output announcement in possible privacy infringing situation where luminous intensity is lower than usual.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate luminous intensity measuring means in an alarm device taught by Chen into the modified method and device of Ozaki and Homma et al., in order to detect hidden-cam scenario and alarm to prevent privacy from being infringed.

4. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Soda et al. (US Patent#5806621).

Regarding claims 6 and 14, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

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But, Ozaki and Homma et al. fail to teach the limitation of the control section restricts the output level of the predetermined announcement sound to a fixed output level.

Soda et al. teach a warning sound from a device being restricted in both volume and tone quality (column 1 lines 36-38).

As for a sound warning system, it have been obvious to one of ordinary skill in the art to modify the announcement sound volume of Ozaki and Homma et al into a fixed sound volume, in order to avoid dividing user's attention when the user is focusing to capture image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate restricting announcement sound to a fixed level taught by Soda et al. into the modified method and device of Ozaki and Homma et al., in order to avoid dividing user's attention from capturing image.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571)272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhiyu Lu
February 23, 2006


NAY MAUNG
SUPERVISORY PATENT EXAMINER